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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,688	10/05/2000	Kenneth O. Lipscomb	26006.0001U3	8953

7590 03/03/2004
Gregory S. Smith
P.O. Box 88148
Atlanta, GA 30356

EXAMINER

PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
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2142

21

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,688

Applicant(s)

LIPSCOMB ET AL.

Examiner

B. Prieto

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,25,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,25,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is in response to amendment mailed 12/10/03, claims 1-2, 4-12, 25, 28-29 remain pending, and have been examined as hereby set forth.
2. Quotation of 35 U.S.C. 103(a) which forms the basis of all obviousness rejection set forth in the Office action may be found in previous office action.
3. Claims 1-2, 4-12, 25, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milsted U.S. Patent No. 6,345,256 in view of Novak et. al. U.S. Patent No. 6,643,669.

Regarding claim 1, Milsted teaches substantial features of the invention as claimed, teaching a system/method comprising;

a portal (103) comprising a server computer (col 13/lines 24-25) to access licensed media assets (col 21/lines 32-38, col 4/lines 26-32) to a plurality of users (col 6/lines 38-42, 50-52), the said server computer executing a media library database server application (105) that manages access to a master library (101) of licensed media assets (col 10/lines 16-35, col 14/lines 5-50) by associating a virtual private library (i.e. license media assets from said master library) with each of said plurality of users (109) (col 10/lines 16-37, application manage access col 14/lines 5-20), that can be accessed by a plurality of media player devices (109) (col 9/lines 54-col 10/line 15, players col 14/lines 51-col 15/line 9) via one or more communication networks (col 10/lines 45-47); and

a first media player devices (109) configured to communicate with said portal to access said licensed media assets in a virtual private library (license media assets from the master library) for one of said plurality of users (col 14/lines 62-col 15/line 9, access download and receipt see col 21/lines 32-col 22/line 24 of license media see col 15/lines 30-46); and wherein media player applications (192/195) to perform all managing processing of license media asset stored in client's library (196) (col 82/lines 27-48 and col 86/lines 50-61) including uploading usage content information stored in client's database (197) to the portal (col 89/lines 31-46);

however Milsted does not explicitly teach a synchronization process between said media players and said portal comprising uploading to the portal deletion and addition media asset information from said virtual private library;

Novak teaches a system/method related to distribution of database content in a client-server environment, including a synchronization process for synchronizing the content available on the server with the content available on the client are the same by updating the content of one database with respect to the other (col 1/lines 14-29), including uploading and downloading information between the server and client (see col 1/lines 46-56). Specifically, Novak teaches uploading to the server database updates (38) including the addition, deletion, update, removal, of the data obtained from the server database obtained in the client database (see col 2/lines 36-60).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Milsted for having license media asset related information uploaded to the portal from a library to said media player device, one ordinary skilled in the art would considered Novak's teachings for synchronizing distributed content in a client-server environment, particularly synchronizing content between two databases. Given the combined teachings, a synchronizing process of said license media assets between said first media player, including said portal forwarding licensed media asset deletions from said virtual private library to said first media player device, said portal forwarding license media asset additions from said virtual library to said first media player device, said first media player sending licensed media asset deletions to said virtual private library and said first media player sending licensed media asset additions to said virtual private library, would be readily apparent. Motivation to combine the above mentioned teachings would be to minimize or optimize the number of communication transmitted back and forward between client and server for synchronizing the licensed media asset (e.g. deletions, additions, removals, etc.) between the master library database and the virtual private library utilizing rights management that enforce content usage of license media asset according to permitted number of copies, number of plays, and license expiration, i.e. the time interval or term the license may be valid.

Regarding claim 2, wherein the said media library database server application (105) of the portal manages usage rights of users to licensed media assets (Milsted: manage col 82/lines 43-51, control col 25/lines 10-12, usage rights col 10/lines 16-35).

Claim 3 canceled.

Regarding claim 4, a user may have multiple media player devices (109) (Milsted: col 12/lines 52-56) from which the user desires to experience digital media assets (Milsted: col 11/lines 66-col 12/line 7), wherein updating includes providing a user with access to license media assets to any media player device (Milsted: col 11/lines 66-col 12/line 7).

Regarding claim 5, plurality of media player devices comprise one device selected from a home electronic device group (Milsted: col 12/lines 52-56).

Regarding claim 6, a player device comprises a media player software application for allowing a user to control playback and usage of licensed media assets (Milsted: col 11/lines 66-col 12/line 7, col 83/line 13-26, 43-51).

Regarding claim 7, the media player software application is portal to a variety of hardware platforms of media player devices (Milsted: col 82/lines 43-51).

Regarding claim 8, the portal manages streaming of media assets purchased to the media player device (Milsted: streaming: col 81/lines 41-49, col 83/lines 7-10), wherein the media assets are remotely stored by sources to which the portal connects via a communication network (Milsted: col 21/lines 32-38, col 25/lines 26-46, col 2/lines 50-55).

Regarding claim 9, as discussed above and further wherein the portal manages downloading of media asset to the media player device for storage and use (Milsted: col 84/lines 53-col 85/line 3).

Regarding claim 10, wherein the portal generates and provides to an identifier (code) that is required to be entered into all of the user's media player devices before enabled for transactions/communication (operation) to the portal, and the portal electronically transmits a fill-in form or input request (control message) to each of the user's media player devices to require the user to follow such a code entry procedure (Milsted: col 78/lines 66-col 79/line 36, 49-56).

Regarding claim 11, wherein when a valid code is not entered into a user's media player device, the media player device is disabled for communication and/or transaction with the portal (Milsted: col 78/line 66-col 79/line 56).

Regarding claim 12, wherein the portal maintains an on-line database of licensed media assets for users of media player devices lacking a database client application (Milsted: col 25/lines 45-52).

Claims 13 through 24 are canceled

Regarding claim 25, this claim comprises limitation(s) substantially the same as those discussed on claim 1, same rationale of rejection is applicable.

Claims 26-27 are canceled.

Regarding claim 28, this claim comprises limitations substantially the same as those discussed on claim 1, same rationale of rejection is applicable, and further applying said licensing right management rules to said licensed media assets in said virtual private library to ensure licensing rights are not violated (col 10/lines 16-29-35, col 10/lines 60-col 11/line 9, enforcement of rules col 23/lines 41-col 24/line 31); and granting access to those licensed media assets in said virtual private library that do not violate said licensing right management rules (release permission see col 24/lines 49-col 25/line 9).

Regarding claim 29, wherein said deletions are license expirations (Milsted: col 10/lines 16-29, Novak; delete, update, remove see col 2/lines 51-60).

Pertinent Prior Art:

4. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinence is presented in accordance with MPEP§ 707.05. Copies of documents cited will be provided as set forth in MPEP§ 707.05(a):

A. EP 765062 (1997-04) Synchronization between dissimilar computer server environments.

Foltz et. al. teaches a bi-directional synchronization method between client and server in a computing environment.

B. U.S. 5,754,306 (1998-05)

Taylor et. al. teaches a synchronization method including a for file synchronization method between a local computer system and a remote computer system; each computer keeps a snapshot of its own file system and a snapshot of the other computer system's file system, these snapshots are taken when the local and remote computers are last physically connected (i.e. bi-directional communication). When modifications are made to the other file system, all changes to files or directories marked for synchronization, whether local or remote, are logged in each machine in the form of "delta files", which store information of the actual or intended changes; the remote computer system sends to the local computer system its delta files, which are then resolved in the local computer system against the local computer system's delta files. The changes resulting from resolving the delta files are the changes necessary, in each file system, to synchronize the files marked for synchronization in the synchronization file. Files are then exchanged to perform the synchronization. The resolved delta files are used to update both the snapshot files in the local computer system and the snapshot files in the remote computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

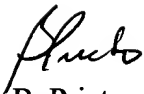
or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".



B. Prieto
TC 2100
Patent Examiner
March 1, 2004